

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

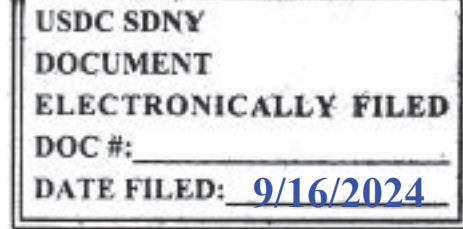
ER TENNESSEE LLC,

Plaintiff,

-v.-

1322 DEVELOPMENTS, LLC, et al.,

Defendants.



24 Civ. 6587 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On August 30, 2024, this breach of contract action was removed from the Supreme Court of New York, New York County, by Defendants 1322 Developments, LLC, Tim Roach, and Holly Roach. *See* ECF No. 1 (Notice of Removal) at 1. Defendants assert that jurisdiction in this Court is proper by reason of diversity of citizenship, pursuant to 28 U.S.C. § 1332. *See id.* ¶ 11. Defendants allege that they are citizens of Tennessee. *Id.* ¶¶ 7-9. They also allege that Plaintiff ER Tennessee LLC is a limited liability company organized under Delaware law, with its principal place of business in New York, *id.* ¶ 5; *see* ECF No. 1-1 at 2, and that, “[u]pon information and belief, Plaintiff does not have any members that are (1) individuals domiciled in Tennessee or (2) entities incorporated in or maintaining their principal place of business in Tennessee[.]” *id.* ¶ 6.

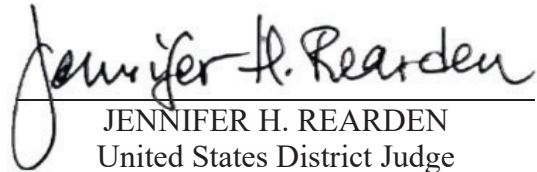
It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000). Thus, a notice of removal premised on diversity of citizenship must allege (1) the citizenship of natural persons who are members of an LLC, and (2) the place of incorporation and principal place of business of any corporate entities that are members of the LLC. *See id.*; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and*

*ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010); *Lewis v. Allied Bronze LLC*, No. 07 Civ. 1621 (BMC), 2007 WL 1299251, at \*1-2 (E.D.N.Y. May 2, 2007). In the instant matter, the Notice of Removal fails to allege the citizenship of Plaintiff's members. *See Beal Stream Venture, LLC v. Leading Builders Grp. LLC*, No. 1:23-cv-5641-MKV, 2023 WL 7648723, at \*2 (S.D.N.Y. Nov. 15, 2023) (*sua sponte* remanding removed case because Defendant's contention, "[u]pon information and belief," that "none of the members of [the defendant LLCs] are residents of the [plaintiff's state of citizenship]," did not "provide the actual identities or citizenships of these members for purposes of diversity").

Accordingly, it is hereby ORDERED that, on or before **September 27, 2024**, Defendants shall amend their Notice of Removal to allege the citizenship of each constituent person or entity comprising the Plaintiff LLC (including the state of incorporation and principal place of business of any corporate entity member). If, by that date, Defendants are unable to truthfully allege complete diversity of citizenship, then this action will be remanded to the Supreme Court of New York, New York County, without further notice to either party.

SO ORDERED.

Dated: September 16, 2024  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge